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Fifty-eighth session

SUMMARY RECORD OF THE 10th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 22 March, at 10 a.m.

Chairperson: Mr. JAKUBOWSKI (Poland)

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The meeting was called to order at 10.10 a.m.

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION (agenda item 6) (continued) (E/CN.4/2002/21, 22, 23 (WP.5), 24 and Add.1, 25 (WP.4), 123, 133, 138 and 140; E/CN.4/2002/NGO/21, 46, 63, 64, 94, 112, 145, 152, 163, 166, 191 and 194-196; A/CONF.189/12; A/CONF.189/PC.3/5; A/CONF.189/PC.2/21 and Corr.1.)

1. Mr. AYEWOH (Nigeria), speaking on behalf of the African Group, said that, the objectives of the Third Decade to Combat Racism and Racial Discrimination had unfortunately not been achieved, mainly owing to a lack of political commitment, financial resources and international cooperation. Consequently, the General Assembly had, by its resolution 52/111, wisely decided to focus all the energies of the Office of the High Commissioner for Human Rights (OHCHR) on the preparations for the third World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to be held in Durban. The African Group could, at any rate, express its satisfaction that the international community had been able to convene the Conference successfully, within the framework of the Third Decade.

2. The African Group had decided to replace the Programme of Action of the Decade by the Durban Programme of Action as a new instrument for all its own future activities, including a global drive to combat racism and racial discrimination. The draft resolution that it would submit to the Commission would be predicated on a comprehensive follow-up to and implementation of the Durban Programme of Action.

3. The achievements of the Conference should lay a solid foundation for future programmes. It had also been a landmark because, for the first time in history, the international community had declared slavery and the slave trade to be crimes against humanity. The legacies of those evil practices continued to manifest themselves in abject poverty, underdevelopment, marginalization, social exclusion and economic disparities.

4. The African Group had been encouraged by the Conference's resolve to give high priority to issues relating to the human rights of Africans and people of African descent. The African political leadership had adopted the New Partnership for Africa's Development (NEPAD) as a macroeconomic recovery framework to address the continent's development challenges. The African Group invited all parties to work constructively within the NEPAD framework to provide remedial measures for the injustices of the past, within the context of the implementation of the Durban commitments.

5. In that connection it welcomed the establishment of an Anti-Discrimination Unit in OHCHR. To be effective, however, the Unit should remain focused on racism and should not be broadened to encompass other forms of discrimination. The African Group also welcomed the decision to appoint eminent experts and goodwill ambassadors to give greater impetus to the global drive for the total elimination of racism. He hoped that all the posts involved would be filled on an equitable geographical basis.

6. The African Group was disappointed that a vote had had to be taken on the endorsement by the General Assembly of the Durban Declaration and Programme of Action, simply on the

grounds that four delegations had reservations. Like terrorism, the fight against racism and racial discrimination should be a priority for the international community, which should be united in defence of the dignity of all human beings.

7. Mr. GAKWANDI (Uganda), after endorsing the statement by the spokesman for the African Group, said that, although the United Nations had adopted a variety of measures in implementation of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination since its adoption in 1963, it could not be said that racism had been rolled back. Indeed, many delegations, had agreed with the High Commissioner's statement that the Durban Conference had been only a beginning. The question to be faced, however, was how many new beginnings were needed before racism could be rolled back. He wondered whether a fourth decade - or even a quarter century of a century - would be necessary.

8. Although the member States had found that the most practical way to work towards the protection of human rights was through different covenants, the debates in the Commission sometimes created the impression that there was just one omnibus covenant and that all human rights violations could be debated simultaneously under the same agenda item. Such a blanket approach made it difficult to agree on appropriate remedies for various kinds of violation. The same difficulty had been encountered at the Durban Conference. All categories of intolerance, even those that had no demonstrable connection with racial intolerance, had come up for consideration. The result had been a Declaration and a Programme of Action that were full of circumlocutions and equivocations and certainly less focused than those of the First and Second World Conferences. The slow progress made in solving the problems of racism might therefore be due as much to the intractable nature of racism as to the approach adopted by the international community.

9. The best way to tackle racism was to view it in its naked form before linking it to the environment, to torture, to the death penalty, to varieties of sexual orientation or to other forms of discrimination. That would help to separate the agenda of the Committee on the Elimination of Racial Discrimination from those of the other treaty bodies. A commissioned study of those bodies had noted excessive overlaps, leading to inefficiency and wastage of resources. Everyone was to blame, because of the way that concerns were introduced into the agenda of the different bodies without regard for relevance or agreed procedure. The same tendency to push a politically motivated agenda into the human rights discussion had made it difficult for the Durban Conference to become an effective follow-up to the previous World Conferences.

10. It was disappointing that the Conference had failed to agree on an intergovernmental platform to follow up the implementation of the Programme of Action. The compromise arrangement of appointing five eminent persons to work with the High Commissioner was some consolation, however. The decision to set up an Anti-Discrimination Unit in OHCHR was also welcome. It was to be hoped that the Unit would be able to plough through the often ambiguous terminology that had been inevitable in the circumstances of the Durban Conference.

11. Particular attention should be paid to the issues of the past. Racial discrimination was deeply rooted in the marginalization of some States within the international system and of some communities within States. Such problems could not be solved without confronting the past and applying appropriate remedies to historical wrongs.

12. Mr. ERMAKOV (Russian Federation) said that, while the outcome of the Durban Conference was not entirely clear, there were distinct grounds for optimism. Much would depend on the willingness of States to move forward to the implementation of the Programme of Action. For his country, which contained many nationalities and faiths, the combat against discrimination, intolerance and nationalism was not only a moral imperative but a prerequisite for the strengthening of the Russian Federation as a unified State with historical foundations.

13. Russian State policy was based on the principles of equality before the law, the preservation of ethnic, cultural, linguistic and religious diversity and the creation of the best possible conditions for the development of all the peoples of Russia. Legislation had been introduced, minority rights institutions established and federal and regional programmes put in place to promote national harmony and the overcoming of negative stereotypes.

14. The legislation introduced over the past few years included the 1996 Federal Act "On national and cultural autonomy". There were currently 11 autonomous areas registered at the federal level, about 100 at the regional level and over 200 at the local level. Special budgetary resources were made available for the activities of all such areas.

15. Among several bills currently in preparation was one entitled "On combating political extremism". In addition, the Government had in August 2001 adopted a federal programme entitled "Formulation of arrangements for tolerance awareness and prevention of extremism in Russian society". Action was also being taken to prevent and punish offences committed with national, racial or religious motivation.

16. At a meeting in March 2002 with the leaders of Jewish religious communities in Russia, President Putin had said that the peaceful centuries-old coexistence in Russia of Christianity, Judaism and Muslim cultures was "an inalienable part of what we call European culture". Any threats to that coexistence, which could arise even in developed and democratic societies, were therefore of particular concern: the 2000 report of the European Monitoring Centre on Racism and Xenophobia had indicated an increase in racist and anti-Semitic incidents in Germany, France, Spain, Sweden and the United Kingdom.

17. There was no ignoring the fact that such "examples" were eagerly seized on by some countries which sought membership of the European Union and the North Atlantic Treaty Organization (NATO). A case in point was Latvia which had taken barbarous action to deny its citizenship to about a third of the population - whose first language was Russian - and introduced discriminatory legislation on language and education, contrary to international human rights standards. His delegation was therefore unable to agree with the assessment offered by the Minister for Foreign Affairs of Latvia the previous day regarding the termination of the Organization for Security and Cooperation (OSCE) Mission to Latvia. It was utterly convinced that the decision to terminate the Mission had been a political one, taken as a result of crude external pressure. The Mission's mandate, like that of the similar Mission to Estonia, had by no means been completed.

18. Pressure on OSCE had, moreover, not stopped there: there was no other way to explain why the Director of the OSCE Office for Democratic Institutions and Human Rights had withdrawn a number of recommendations made by him to the Latvian authorities a few days

previously regarding improvements in the situation of the Russian-speaking minority. There appeared to be a direct link with the curt call by the Prime Minister of Latvia for the Director's resignation.

19. The international community should remove its rose-tinted spectacles and give serious consideration to the future of a country in whose capital, annual celebrations of the Latvian Waffen SS were held more than half a century after the Second World War. Although responsible for thousands of deaths, they were revered in Latvia as "fighters for freedom and independence". The Special Rapporteur on contemporary forms of racism should make an assessment of the situation, since a failure to do so would be to allow double standards to prevail.

20. Lastly, his delegation found it unacceptable that, once again, documents pertaining to a given agenda item were made available just before the debate on that item began.

21. Ms. AÏT-MOHAMED PARENT (International Federation of Red Cross and Red Crescent Societies), after expressing her organization's regret at the forthcoming departure of the High Commissioner for Human Rights, said that the ancestors of every person in the world included victims, perpetrators or passive witnesses of racism and racial discrimination. It was therefore for all of humankind to draw the necessary lessons. The basic principles of the Red Cross and Red Crescent Movement provided a solid basis for action to ease tensions, combat discrimination and have an impact not only on vulnerable individuals but also on the general public. Yet, despite the commitments by Governments, 2001 had seen a number of episodes of violence and intolerance, such as the hostility incurred by people living with HIV/AIDS.

22. In response to the increased discrimination and violence resulting from the terrorist attacks in the United States on 11 September 2001, the Federation had decided to step up its activities. It had launched in the current year a "Global Initiative for Local Action and Programmes to reduce discrimination and violence in the community". Under the Initiative, five regional actions had been undertaken: in North Africa, Central Africa, Central America, Central Asia and the Gulf States. Practitioners' networks had also been developed to facilitate the sharing of experiences and good practice, where discrimination was concerned. Moreover, some national Red Cross and Red Crescent Societies had informed the Federation of their concerns, their programmes and their interest in participating in such networks.

23. The Global Initiative was due to run for several years and to focus on problems associated with AIDS but also on those of asylum-seekers, refugees and migrants. It would be coordinated at the local and community levels, where such activities could have a real and lasting effect. Those carrying out the programmes would be the 97 million volunteers who worked every day for the 178 national Red Cross and Red Crescent Societies.

24. Mr. ANOSHKO (Observer for Belarus) said that some 20 per cent of his country's population were not of Belarusian nationality. There were 140 nationalities in all living in Belarus. There were no instances of conflicts on ethnic, racial or religious grounds and all religious and national groups were equal. There had been no conflicts between national groups.

25. The main reason for that stability was the clear and consistent policies of the authorities; his Government believed that a sound legislative basis was essential for a country's normal functioning and development. The Constitution provided for equal rights for all the peoples of Belarus. Parties or organizations promoting national, religious or racial hatred were banned. All persons were entitled to their own national identity. All persons were entitled to use their own language for education and communication. Such freedoms were enshrined not only in the Constitution but also in a range of laws including the acts on national minorities, on citizenship, on culture, on education, on freedom of worship and religious organizations and on languages.

26. As soon as Belarus had attained its independence, a political, cultural and spiritual renaissance had started to occur. Over the years, all the necessary conditions for maintaining and developing the culture and language of national minorities and for promoting the activities of their organizations and institutions had been established. There were 17 such cultural and educational institutions for national minorities. Agreements had been concluded with a number of countries on cooperation in the sphere of culture, science and education, in which the parties assumed particular obligations to develop the culture of national minorities and guarantee their equal rights to participate in cultural and other aspects of life. There were schools and classes teaching minority languages and minority newspapers and magazines were published.

27. His delegation was highly appreciative of the outcome of the Durban Conference, which had opened up new possibilities for the struggle against racism. The Conference had been significant not only in itself but also as a means of stimulating universal consensus on new and effective approaches to eliminating racism. His delegation was looking forward to the effective implementation of the Durban Declaration and Programme of Action.

28. Mr. NORDMANN (Observer for Switzerland) said that the Durban Conference had been merely the beginning of a process to eradicate racism, racial discrimination and xenophobia. Switzerland had already adopted a number of relevant follow-up measures at the national level. His Government was in favour of the establishment of an Anti-Discrimination Unit within OHCHR and of the appointment by the Secretary-General of five independent experts to follow through the results of the Conference. The establishment of national institutions such as Switzerland's Federal Commission to Combat Racism should also be encouraged.

29. Greater importance should be attached to tackling discrimination based on sexual orientation, a sphere in which Switzerland had taken the lead by legislating on same-sex unions and ensuring their legal recognition. Also of concern were the racist outbursts against Arabs that had followed the terrorist attacks of 11 September 2001: on no account should terrorism be identified with an entire race, people or religion. Ethnic cleansing, the transplantation of settlers and the confinement of populations to closed zones were other racially-based human rights violations that required attention. Possible antidotes were the wider dissemination of and greater respect for humanitarian law.

30. Ms. GERVAIS-VIDRICAIRE (Canada) said that, at the national level, her Government was working to promote diversity and combat hate through public education, legal improvements, community initiatives and research. It had initiated an active dialogue with the non-governmental organisations (NGOs). At the international level, however, it had strong reservations about the Durban Declaration and Programme of Action, which it had voiced during

the Conference itself and subsequently in the Third Committee of the General Assembly. All States should, however, take steps to develop public education and raise public awareness of issues relating to ethnic and linguistic minorities and indigenous peoples, encourage the greater involvement of women in national life and combat all forms of racism. The crucial role of the media in modern society should not be underestimated.

31. Ms. GABR (Observer for Egypt), having endorsed the remarks made by the representative of Nigeria on behalf of the African Group, said that more needed to be done to tackle discrimination against migrants. Those States which had not already done so should accede to and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

32. In the wake of the terrorist attacks of 11 September 2001, greater efforts should be made to overcome Islamophobia and to stem violence against Arabs. The plight of the Palestinian people should be universally recognized and Israeli racism condemned, while at the same time every effort should be made to achieve a just and comprehensive peace. Finally, States should do their utmost to ensure that the measures agreed at the Durban Conference were properly followed up.

33. Mr. PROCHÁCKA (Observer for the Slovak Republic), having endorsed the statement by the representative of Spain on behalf of the European Union, said that, as a State party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Slovak Republic was convinced that enabling individuals to submit communications to the Committee on the Elimination of Racial Discrimination was a valuable mechanism for improving human rights protection. His Government urged all States that had not yet acceded to that Convention to do so.

34. Within the country itself, recent amendments to the Criminal Code had introduced stiffer penalties for racially-motivated crimes. An anti-discrimination bill, modelled on European Union legal standards, was also in preparation. A national plan of action had been launched to strengthen tolerance, prevent discrimination and promote human rights education.

35. Ms. THOMAS (International Labour Organization (ILO)) said that the ILO intended to build on the results of the Durban Conference through research and data collection on issues relating to racism and xenophobia; workers' education to combat all forms of discrimination; continued support for the Secretary-General's Global Compact initiative; management training on discrimination issues; support for Governments wishing to develop laws, policies and administrative and enforcement mechanisms to address racial discrimination in the workplace; and continued cooperation with other bodies in the United Nations system.

36. ILO was planning on undertaking a range of activities, including projects to promote equal employment opportunities for the Dalits and the Roma. Research was being conducted to gauge the extent of racial and religious discrimination in the labour market and the problems facing migrant workers in Europe.

37. ILO intended to continue to combat racism through its supervisory role. Strengthening the capacity and knowledge of everyone involved in dealing with work-related discrimination

was therefore of crucial importance. In order to address the employment and social aftermath of the terrorist attacks of 11 September 2001, ILO had urged vigilance against any increase in religious, ethnic or racial discrimination that might occur as a result.

38. Ms. MINA (Observer for Cyprus), having endorsed the remarks made by the representative of Spain on behalf of the European Union, said that the Durban Conference had highlighted the continuing plight of and past injustices inflicted upon millions of people and would prompt the international community to redouble its efforts in favour of tolerance and the elimination of all forms of racial discrimination. The Declaration and Programme of Action which had emerged from the Conference had provided a basis for exploring preventive approaches to combating racism, xenophobia, discrimination and intolerance. The idea of the common destiny of humankind and the amalgamation of diverse cultures into one culture of mutual acceptance and peace should be promoted by the United Nations and by the regional organizations.

39. Mr. K. AL-THANI (Observer for Qatar) said that Islam, like all religions, proscribed discrimination. Racial hatred was a criminal offence under the laws of Qatar. His Government was actively collaborating with NGOs to stamp out racism and xenophobia. Qatar was a State party to the International Convention on the Elimination of All Forms of Racial Discrimination and endorsed the outcome of the Durban Conference. The history of the past century with its terrible episodes of genocide taught the lesson that all theories of racial superiority and hegemony were totally unacceptable.

40. Mr. SUNGAR (Observer for Turkey) said he welcomed the fact that, despite the difficulties, the international community's commitment to combat racism had prevailed at the Durban Conference, the Declaration and Programme of Action of which provided a comprehensive and updated guide for the fight against racism. Those outcomes must be applied, however, and he therefore welcomed the attention given to the implementation of and follow-up to the World Conference by the Third Committee of the General Assembly.

41. It was important to adopt an approach that would satisfy the expectations and alleviate the sufferings of the victims of contemporary forms of racism and, as a State which had 4 million citizens living abroad as migrant workers and their family members, Turkey attached great importance to the sections of the Programme of Action dealing with victims, which included migrants and migrant workers, who were often the targets of racism. Steps must be taken to promote greater harmony and tolerance between migrant workers and their host communities.

42. Racism, bias, exclusion and related violence unfortunately persisted, as had been shown by the tragic events of 11 September 2001. In that connection he expressed his delegation's commitment to combating terrorism but also stressed that terrorism must not be identified with any particular religion. It was regrettable, therefore, that tightened security measures were mainly targeting foreigners, migrant workers and refugees. A delicate balance must be struck between legitimate security concerns and the treatment of foreigners. In particular, any attempt to label foreigners as potential criminals, which would only serve to breed discrimination in multicultural societies, should be avoided.

43. Mr. AL-ADSANI (Observer for Kuwait) said that the Durban Declaration had made it quite clear that it was unacceptable to link the great religion of Islam with terrorism. It was a matter of concern, therefore, that, since the tragic events of 11 September 2001, Muslims throughout the world had been singled out for attention. His delegation condemned terrorism and emphasized that Islam was a religion, based on equality and the pursuit of happiness, that called for harmony amongst peoples.

44. Given the current context, it was not sufficient merely to discuss and deplore the rise in anti-Islamic sentiment around the world. Concrete measures must be adopted for the purpose of combating it, as the High Commissioner had stated, as part of the process of fully implementing the Durban Declaration and Programme of Action.

45. Ms. MAJALI (Observer for Jordan) expressed her delegation's support for the outcomes of the Durban Conference and welcomed the establishment of an Anti-Discrimination Unit within OHCHR, which would strengthen its efforts to combat racism and discrimination. Her delegation also associated itself with the statement made by the representative of Malaysia on behalf of the Organization of the Islamic Conference (OIC).

46. In the aftermath of the tragic events of 11 September 2001, she was most concerned about the negative reactions against Muslims, Arabs and populations of Asian origin in several countries, who were mistakenly associated with terrorists and subjected to racist reactions, which had deepened divisions between the peoples of the world. Her delegation shared the concern of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance that religious intolerance, especially Islamophobia, was on the rise.

47. Consequently, implementation of the Durban anti-discrimination agenda and the United Nations Year of Dialogue among Civilizations had become even more important as means of encouraging honest dialogue and tolerance among the civilizations. Education in humanist values based on respect, brotherhood and solidarity must play a major role and her delegation welcomed the recent OIC Symposium on Human Rights in Islam held recently in Geneva, which the High Commissioner had called an important contribution to the cause of promoting mutual understanding and respect among peoples.

48. Finally, she deplored the unprecedented increase in violence in the occupied Palestinian territories since September 2000 and stressed that the Durban documents, in addressing the plight of victims, specifically mentioned the Palestinian people. Her delegation also shared the concerns of the Special Rapporteur on contemporary forms of racism regarding the lack of cooperation on the part of Israel in relation to the implementation of the relevant General Assembly and Commission on Human Rights resolutions, in particular that of the Commission's fifth special session.

49. Mr. LUCK (Observer for Australia) said Australia had created a diverse, harmonious and inclusive society which derived great strength from the rich cultures and traditions of indigenous Australians, namely, the Aboriginal and Torres Strait Islander peoples. It was firmly opposed to racism, which was a fundamental challenge to all nations of the international community, both individually and collectively.

50. His delegation considered it essential that forward-looking, positive and concrete measures be implemented at the national, regional and international levels. It therefore regretted the fact that, at the Durban Conference, the need to achieve positive and practical outcomes had been overshadowed by divisive political discussion. Although it had joined in the consensus, it had serious concerns about many elements in the outcomes documents, which remained unacceptable.

51. Despite those reservations, some of the Conference's conclusions and recommendations were important and valuable, including those on national action and the importance of cooperation and partnership between Governments and other groups and agencies. His delegation would continue to work in a constructive manner to find universally acceptable ways of implementing the positive outcomes of Durban and enhancing the international community's long-standing commitment to fighting racism.

52. At the domestic level, the positive outcomes would be integrated into the national efforts to fight racism, an objective being actively pursued by the Human Rights and Equal Opportunity Commission. His Government was cooperating with the mechanisms of the Commission and had invited the Special Rapporteur on contemporary forms of racism to visit Australia in order to familiarize himself with its multicultural society. It was most disappointed therefore, to find that the report of the Special Rapporteur (E/CN.4/2002/24) was flawed, contained serious errors, did not properly reflect the long and wide-ranging debate on complex questions like reconciliation and did not adequately acknowledge the significant progress made in addressing the needs of the indigenous peoples. The recommendation that Australia review its multicultural policy was particularly surprising and reflected a broader misunderstanding of that fundamental aspect of contemporary national character, of which Australians were rightly proud. The report thus added little to public debate or international understanding of Australia's approach to eradicating racism and xenophobia, to which his Government remained strongly committed.

53. He noted that, on 21 March 2002, Australia had celebrated Harmony Day, coinciding with the United Nations International Day for the Elimination of Racial Discrimination. That Day was a celebration of the nation's cultural diversity and was aimed at further encouraging Australians to take a stand against racism, build a peaceful, and productive future, make the most of diversity and practice traditional Australian values of justice, equality, fairness and friendship.

54. Ms. SIM (Observer for the United States of America) reiterated the commitment of the Government and people of the United States to the fight against racism, both nationally and internationally. Her people acknowledged the many painful aspects of their history; their historic struggle to eliminate racism would continue and would require the unequivocal participation of every citizen. Great figures of the past like Martin Luther King and Abraham Lincoln epitomized the fight against racism and the fight to ensure equal opportunity for all to share in progress remained a vital part of United States political life.

55. The United States had an increasingly strong record of protecting civil rights and fighting discrimination, based on equal opportunity and equal justice. Her Government had developed a set of comprehensive initiatives to advance significantly the cause of civil rights in the twenty-first century by, for example, by reforming public schools and ensuring equal education for all.

56. At the international level, the battle against racism must involve an end to all forms of racial and religious prejudice, including anti-Semitism, which had led to the most devastating genocide in modern times but was still prevalent. Every civilized society must guard against that or any ideology which denigrated one group of people or led to hatred, exclusion and violence. Racism, racial discrimination, xenophobia and related intolerance knew no national boundaries and it was long past time to end those injustices and create a world community where diversity was valued and accepted.

57. Mr. KIM Yong Ho (Observer for the Democratic People's Republic of Korea) welcomed the Durban Declaration and Programme of Action as an expression of the international community's will to promote equality and development for every race and national and ethnic group and to eliminate racism and racial discrimination. His delegation supported the establishment of an Anti-Discrimination Unit within OHCHR to implement the outcome of the Conference.

58. As stated in the Durban Declaration, colonialism had been a root cause of racism and caused great suffering in Asia, Africa and Latin America. The crimes of colonialism must be dealt with openly in order to prepare the way for progress. States which had pursued racist policies in the past must accept their responsibility, apologize sincerely and offer compensation to the victims of those policies.

59. In that regard, his delegation deplored the attitude of Japan which persistently denied its colonial past, in particular its 40-year military occupation of Korea in the early twentieth century when its discriminatory policies had seriously affected millions of Koreans by enforced military service, slave labour, massacres, sexual exploitation and attempts to obliterate the names and nationality of the Korean people. There were commendable examples of other States which had made amends for their past wrongdoings, thereby contributing to world peace and security, but Japan continued to distort its history.

60. His delegation also deplored the refusal by the Japanese authorities to give permission to NGOs from the Democratic People's Republic of Korea, to enter Japan to participate in the international meetings held in June and August 2001 in connection with Japan's past crimes, thus clearly revealing Japan's contemptuous approach to other nations. His delegation once again called upon Japan to acknowledge its past abuses and provide compensation therefor.

61. In conclusion, he reiterated his Government's commitment to contributing effectively to international efforts to eliminate racism by respecting and fully implementing the Durban Declaration and Programme of Action.

62. Mr. PERRUCHOUD (International Organization for Migration (IOM)) said that racism and discrimination against migrants and other vulnerable persons were of particular concern to his organization and he was gratified that the Durban Declaration and Programme of Action contained effective and realistic measures relating to migrants, which would guide States and international, governmental and non-governmental organizations in efforts to protect their rights.

63. He was concerned at the growing racism and discrimination against foreigners. In the aftermath of the events of 11 September 2001, any security measures adopted must ensure a balance between respect for human rights, particularly those of migrants, and national, regional or international security requirements. Efforts to prevent discrimination against migrants were at the centre of his organization's activities and he welcomed the steps already taken by the High Commissioner to implement the Durban Programme of Action and said IOM would do everything possible to support her efforts.

64. His delegation renewed the appeal made at the Durban Conference for States to ratify and implement the United Nations Protocol against the Smuggling of Migrants by Land, Air and Sea, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Those measures could not, however, succeed in eliminating racism against migrants and other vulnerable individuals as long as migrants were regarded by the host community as individuals to be used and abused as it saw fit.

65. Mr. THIOUNE (Senegal), having associated his delegation with the statement by the spokesman for the African Group, said it was generally accepted that there could be no true peace in the world so long as fundamental human rights continued to be violated and the threat of terrorism, nuclear holocaust and armed conflict hindered the full development of human society and human rights. It was therefore incumbent upon the international community to work to promote human rights, accept diversity, renounce hierarchy among peoples and nations and build a new international order which would repair the harm caused by racism.

66. Those values had been promoted by the late President Senghor and that was why political parties in Senegal were not identified with any one race, ethnic group, sect, language or religion. Firm in its belief that discrimination was at the root of human rights violations, his Government had participated in the Durban Conference. The Durban outcome documents constituted a real step forward and provided hope for progress in the fight against racism. They were also very timely, coming as they did at the end of the Third United Nations Decade to Combat Racism and Racial Discrimination, the goals of which had certainly not been attained.

67. The Durban outcomes must be transformed into concrete action, and it was important to bear in mind the historical background of racism. No other continent had suffered more from racism than Africa and the memory of past suffering remained fresh. His delegation welcomed the desire for progress shown by the participants in the Durban Conference and was confident that the Declaration and Programme of Action would be implemented. The NEPAD, created by and for Africans, should contribute to the eradication of poverty and create the foundations for sustainable economic and social development, so that Africa and its partners could overcome the handicaps inherited from the past.

68. The Durban outcome had provided the international community with the measures needed for achieving one of the goals of the Universal Declaration of Human Rights, that of guaranteeing the dignity and rights of all human beings. It also had the intellectual and scientific capacity to speak with one voice which respected diversity but reflected common values based

on respect for human dignity. The groundwork had been laid so that differences could be overcome in order to put an end to injustice and close the serious gap between the advantaged and disadvantaged.

69. Mr. OYUGI (Kenya) said that the Durban Conference would always be remembered for the historic decisions made there. The international community had for the first time declared slavery, the slave trade and in particular the transatlantic slave trade to be crimes against humanity. It had also undertaken to support African leaders in addressing the challenges they faced and undoing the damage caused by past injustices.

70. The real success of the Conference would, however, be measured by the implementation of those undertakings - made more necessary than ever by the events of 11 September 2001 and their aftermath of racist assaults and slander against Muslims, Arabs and Asians. His delegation therefore welcomed the establishment of the OHCHR Anti-Discrimination Unit. If it was to operate efficiently and effectively, it must be adequately funded through the United Nations regular budget and must focus on the question of racial discrimination. He hoped the Commission would adopt, by consensus, a bold, forward-looking resolution that would build upon the agreements reached in Durban.

71. Ms. LE PENNEC (World Organization against Torture), speaking also on behalf of the International Federation of ACAT (Action of Christians for the Abolition of Torture), said that, while the Durban Conference had addressed many major issues, including the question of legal aid for victims of racial discrimination, it had not addressed racism within criminal justice systems, including the racially disproportionate application of the death penalty and mandatory sentencing, and the detention of refugees.

72. Her organization was particularly concerned about Australia's mandatory detention policy for unauthorized asylum-seekers, particularly as it affected children and torture survivors, and welcomed the invitation extended by the Australian Government to the Working Group on Arbitrary Detention. Her organization had also documented cases of torture and cruel, inhuman or degrading treatment by the police against the Roma in Europe and of violence against people on account of their low-caste status.

73. She called upon the Commission to recommend that studies be carried out to assess the seriousness and extent of racism within the administration of justice, and to request States to provide legal assistance in cases of race-related torture, ill-treatment or other violence.

74. Mr. LACK (World Jewish Congress), speaking also on behalf of the International Association of Jewish Lawyers and Jurists, said that the Durban Conference had undermined the anti-racism agenda of the United Nations. The reasons for that lay in a failure of leadership of the Secretary-General of the Conference, Mrs. Robinson, and in the anti-Semitic and racist positions adopted by the Organization of the Islamic Conference (OIC). Palestinian claims had been promoted as the most pressing issue during the Conference, and the Declaration and Programme of Action made reference to Palestinian suffering without any similar mention of Israeli suffering. Given that the institutionalization of the Durban process had already begun

within the United Nations, it was regrettable that energy would have to be spent in combating the subversion of the United Nations anti-racism agenda, which might become a vehicle for anti-Semitism.

75. Mr. LITTMAN (World Union for Progressive Judaism) said that the Durban Conference had been callously hijacked by dictatorial regimes and demagogic NGOs. The Israeli-Palestinian conflict was being used as a platform for anti-Semitism, which was on the rise in Europe, and for open displays of hatred against Jews.

STATEMENT BY THE MINISTER OF STATE FOR HUMAN RIGHTS OF YEMEN

76. Ms. FAREÉ (Yemen) said that the Commission's current session was taking place in very difficult circumstances following the terrorist attacks of 11 September 2001 in the United States of America. Yemen unequivocally condemned those acts and was committed to working with the United States to eradicate the scourge of terrorism.

77. However, following the terrorist attacks, certain countries had taken measures which were prejudicial to human rights. Moreover, some of them had erroneously sought to confound terrorism with cases of legitimate resistance and armed struggle. It was therefore doubly important to eradicate the causes of terrorism, chief among which were factors impeding the development of the poorer countries. It was completely unacceptable to equate terrorism with Arabs and Islam and thereby seek to promote a clash of civilizations. It must be stressed that Islam was a tolerant religion that proscribed terrorism.

78. The state terrorism practised by Israel against the Palestinian people, in direct violation of numerous decisions by international bodies, was a flagrant injustice. Israel's assertion that its armed forces were the victims of terror did not bear scrutiny, and its claims had accordingly been rejected under previous decisions by the Commission.

79. Her Government, being anxious to modernize Yemeni civil society and improve the country's human rights record, had embarked on a programme of cooperation with the Commission. There were no prisoners of conscience in Yemen and conditions of detention conformed to the proper standards. A special committee had been established to inspect the country's prisons. Negotiations were under way with donor countries to finance projects to improve the human rights situation in Yemen.

80. It was increasingly true that a State's foreign and domestic policies needed to incorporate a human rights dimension. Her Government had established a Supreme National Committee for Human Rights, appointed a female minister for human rights, and organized a number of workshops and symposiums on human rights issues in various towns throughout the country. Certain rights clearly stood out as priorities, such as the right to development, the rights of the child, women's rights and civil and political rights.

81. Yemen was anxious to integrate a human rights dimension into its development programmes through the Human Rights Strengthening (HURIST) project, in cooperation with the United Nations Development Programme (UNDP), the World Health Organization (WHO)

and the World Bank. In the course of discussions of a national strategy to combat poverty, the conclusion had been reached that the strategy would have to be reformulated to incorporate a broad-based human rights perspective.

82. The economic and administrative reforms currently being undertaken in Yemen had yielded increased opportunities for women to take part in public life and the organizations of civil society. She hoped that donor countries would offer constructive criticism of the various strategies and policies that her Government was formulating to end discrimination against women and safeguard the rights of the child, and that appropriate technical support would be made available.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF NORWAY

83. Mr. PETERSEN (Norway) said it was high time for States to bridge the gap between obligation and implementation in respect of human rights and fundamental freedoms. The principle that every individual was of equal worth regardless of nationality, gender, race or religion must never be abandoned. The right to life, freedom and equal opportunities for all must remain the overall objective, and practical results on core human rights issues must be favoured above academic discussions.

84. Individual States had the primary responsibility for securing human rights, a process that demanded persistent efforts by all, including civil society. The Commission, the various special mechanisms and NGOs around the world could help in those efforts.

85. Norway had developed a national plan of action containing more than 300 concrete measures. Its aim was to ensure an overall, systematic and targeted national human rights policy that involved nearly all sectors of society, and to strengthen Norway's bilateral and multilateral human rights efforts abroad. One of the tools Norway was using was human rights dialogue, a method that made it possible to address sensitive issues and issues of common concern and to establish networks among academics, NGOs, public officials and representatives of the judiciary.

86. The right to life was the most fundamental of all human rights and, almost half the Member States of the United Nations had abolished the death penalty. His Government urged those that had not yet done so to commit themselves to its abolition. Efforts to eliminate the use of torture must also continue, by further strengthening the international system of prevention and by adopting an optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

87. Children were the most vulnerable group in society and needed special protection. It was they who suffered most in armed conflicts, particularly civil wars, where 9 out of every 10 casualties were civilians. Far too often children themselves were forced to become killers as a result of the cruel practice of recruiting child soldiers. His Government therefore strongly supported the work of the Special Representative of the Secretary-General for children and armed conflict and urged prompt ratification of the two optional protocols to the Convention on the Rights of the Child.

88. Too many women still had too little human rights protection. Gender discrimination was unacceptable, as was the practice of female genital mutilation, regardless of its cultural and historical context. There should be no impunity for honour killings.

89. Human rights defenders deserved admiration and support. Effective ways and means must be found to ensure their effective protection from murder and daily harassment.

90. He was encouraged by the ever-growing number of ratifications of the Rome Statute of the International Criminal Court. There must be no sanctuary for the perpetrators of international crimes. If national legal systems were unwilling or unable to apprehend or prosecute them, the international community must take on that responsibility.

91. Israelis' future was bound up with that of the Palestinians. There could be no prosperity or security unless the parties reversed the destructive spiral of violence and resumed serious negotiations on how to live side by side within secure and recognized borders, as called for by Security Council resolution 1397 (2002).

92. The international community must show steadfast determination in supporting the political process in Afghanistan. The fight against terrorism would not succeed if people were allowed to live in misery and in failed States. There could be no real progress or lasting peace in Afghanistan without respect for human rights, in particular women's rights, which would have to be addressed as a matter of urgency.

93. The Norwegian observer mission in Zimbabwe had reported that the recent elections had been conducted in an atmosphere of strong polarization and political violence. He called upon the Government of Zimbabwe to put an end to the extreme level of violence and restore respect for human rights.

94. The events of 11 September 2001 had forced everyone to reflect on the balance between protection against terrorism and the protection of human rights. International terrorism was a threat not only to national stability and international peace and security but also to fundamental human rights, the rule of law and the values of the Charter of the United Nations. The fight against terrorism must be conducted within the framework of international human rights and humanitarian law and must not become an excuse for repression or violation of human rights.

95. Respect for all human rights was a necessary condition for peaceful, stable and dynamic societies. The sanctity and dignity of life must therefore be the guiding principle of the Commission's work.

96. Mr. KĀRKLIŅŠ (Observer for Latvia), speaking in exercise of the right of reply, said he had been surprised to hear the representative of the Russian Federation condemn Latvia's citizenship legislation as "barbarous". Latvia itself was continually striving to avoid returning to the barbarism of the Soviet occupation, and both the Council of Europe and OSCE had praised Latvia for its citizenship policies.

97. Latvia would never subscribe to the Russian Federation's own barbarous policy of non-cooperation with United Nations special procedures. It had issued standing invitations to all

United Nations thematic mechanisms, a policy that, once again, had been welcomed by OSCE. Latvia had always been open to dialogue on even the most sensitive of issues, but dialogue must be constructive. He called on the Russian Federation to adopt a constructive approach to the work of the Commission and use its influence to promote human rights, starting in its own territory.

98. Mr. ERMAKOV (Russian Federation), speaking in exercise of the right of reply, said that the observer for Latvia had not addressed the substance of his statement. The Russian Federation would continue to engage in dialogue with international institutions, but realistic assessment of the facts must be provided. The assessment of the situation in Latvia among international organizations, including European organizations, was that it did in fact give cause for concern. The situation had been discussed in many international forums and Latvia's interpretation thereof was a different one. The Russian Federation would continue to put forward arguments based on facts, without resorting to fabrication.

The meeting rose at 1 p.m.